

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 42-56 and 65-73 are currently being cancelled without prejudice. Applicant intends to pursue these claims in a continuation application.

This amendment deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, are presented, with an appropriate defined status identifier.

In the Office Action dated July 8, 2003, the Examiner allowed claims 1-13, 19-33, 39-41, and 57-64. The Examiner rejected claims 14-18, 34-38, 42-56, and 65-73. Claims 14-18, 34-38, and 50-54 were rejected under 35 U.S.C. §112 as being indefinite. The Examiner rejected claims 42-44, 48-56, and 65-73 under 35 U.S.C. §102(b) as being anticipated by Chu et al (U.S. Pat. No. 6,083,522). Furthermore, the Examiner has rejected claims 45-47 under 35 U.S.C. §103(a) as being obvious over Chu in light of Hubbard (WO 93/15721).

Regarding the Examiner's rejection of claims 14-18, 34-38, and 50-54 under 35 U.S.C. §112, Applicant submits that the claim term "finely divided ceramic particles" is not indefinite. Applicant respectfully points out that the Examiner has stated that "finely divided" is an inherent property of spherical ceramic particles; thus, Applicant is unsure of how the term "finely divided ceramic particles" can be considered indefinite and an inherent property at the same time. In addition, the term "finely divided ceramic particles" has a plain and ordinary meaning. "Finely" means minutely or tiny. "Divided" means separated into parts or pieces. Furthermore, one of ordinary skill in the art would understand that "finely divided ceramic particles" means distinctly separable very small ceramic particles. This is differentiated from small particles that are grouped together or agglomerated, as they do not act separately. Applicants can also submit an inventor's declaration verifying this meaning if necessary to advance the prosecution of the case. Finally, Applicant also notes that it has received several other patents, including U.S. Patent Nos.

6,537,574 and 5,922,025, that include use of the term “finely divided.” In these cases, the Examiner never raised an issue as to the meaning of this term. This is yet further evidence that one of ordinary skill in the art would have no difficulty understanding the meaning of this term. For all of the above reasons Applicant submits that the rejection has been overcome.

Regarding the Examiner’s rejection of claims 42-56 and 65-73, the Applicant requests cancellation without prejudice of claims 42-56 and 65-73. Applicant intends to pursue these claims in a continuation application and the cancellation of these claims should not be construed as any indication of the patentability of the canceled claims. Applicant respectfully submits that Examiners rejections are now moot as the rejected claims have been cancelled.

Applicant believes that claims 1-4 and 57-64 of the present application are now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450.

Respectfully submitted,

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